

REMARKS/ARGUMENTS

Reconsideration of this application, in view of the foregoing amendment and the following remarks and arguments, is respectfully requested.

Claims 1-7 were originally presented for consideration in this application, and the Examiner's indication that Claims 5-7 contain patentable subject matter is noted with appreciation. By the foregoing amendment, a minor typographical error in Claim 1 has been corrected. Accordingly, Claims 1-7 remain in this application for consideration and allowance.

Claims 1-4 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 5,709,043. This rejection is respectfully traversed for the following reasons.

Independent Claim 1 (from which the remaining Claims 2-7 depend) sets forth a method of constructing an excavating support structure/wear member assembly comprising the steps of:

providing a support structure having a projecting portion extending lengthwise in a forward direction and having an exterior surface portion through which a connector opening inwardly extends along an axis generally transverse to said forward direction;

coaxially mounting in said connector opening a connector pin in a manner permitting said connector pin to be **rotated** relative to said projecting portion of said support structure **without causing appreciable axial movement of said connector pin relative thereto**, said connector pin having a longitudinal portion **extending outwardly beyond said exterior surface portion of said projecting portion of said support structure**;

providing a wear member having opposite front and rear ends, and a cavity extending forwardly into said rear end;

mounting said wear member on said projecting portion of said support structure by **causing forward movement of said projecting portion of said support member and said outwardly extending longitudinal portion of said connector pin into said cavity of said wear member** with said connector pin in a first rotational position thereof; and

releasably locking said wear member on said projecting end portion of said support member by rotating said connector pin from said first rotational position thereof to a second rotational position thereof.

In the lock pin structure 14 shown in FIGS. 1-15 of Johnson et al, the outer casing portion 90 has a D-shaped cross-section and is non-rotatably received in the similarly cross-sectioned adapter hole 103, and the lock pin portion 92 (by virtue of the key area 105) is slidably but non-rotatably received in the outer casing portion 90. Accordingly, when the structure 90 is inserted into the adapter hole 103, the pin portion 92 **cannot** be rotated relative to the adapter as required by Claim 1. Moreover, for the Johnson et al lock pin structure 14 to function, the pin portion 92 **must** axially extend relative to the adapter - the pin portion 92 **cannot** function without such axial movement as required by Claim 1.

Moreover, during mounting of the Johnson et al wear member 12 onto the adapter nose 30, the pin portion 92 must be **axially retracted** into the casing portion 90 - the pin portion 92 cannot be projecting outwardly beyond the forward portion of the support structure, and move forwardly into the wear member cavity, as required by Claim 1.

In the hydraulically operated lock pin structure 175 shown in FIGS. 16-20 of Johnson et al, and the power screw-operated lock pin structure 225 shown in FIGS. 21-25, these same structural and operational deficiencies relative to recited limitations in Claim 1 are present.

Since Johnson et al fails to disclose several limitations in independent Claim 1 as discussed above, Johnson et al clearly does not anticipate Claim 1 or any of its rejected dependent Claims 2-4. Due to their dependency from allowable Claim 1, all of the objected-to Claims 5-7 are also seen to be in a condition for allowance.

In view of the foregoing amendment, remarks and arguments, all of the claims currently pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of Claims 1-7 is therefore earnestly solicited.

The Examiner is hereby requested to telephone the undersigned attorney of record at 972/516-0030 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on October 17, 2005

Diane Sutton